would be remitted in respect of lands below tanks which are likely to be restored. If only half the wet assessment is collected, will it not raise a hope that the tanks are going to be restored ?

Mr. K. V. ANANTARAMAN.—Yes, and the hope is shared by Government also.

Mr. N. RAMA RAO.—If the tank is not restored, should not the difference between the dry rate and half the wet rate be refunded ?

Mr. K. V. ANANTARAMAN.—I do not understand why.

Mr. N. RAMA RAO.—It seems to me a matter of simple arithmetic.

Mr. K. CHENGALARAYA REDDY.—Rather it is arithmetic and equity.

Mr. K. V. ANANTARAMAN.—I would like to know from Mr. Chikkalingappa whether the tank exists now and if so whether water from the channel is flowing into it ?

Mr. M. CHIKKALINGAPPA.—There is the tank but it is in an unrestored condition. No water is flowing into it from the channel.

Mr. K. V. ANANTARAMAN.—According to rules, in cases where the tank is, for all practical purposes, abandoned for an indefinite period and no wet crops have been raised under it for three successive years, a temporary assessment at the maximum dry rates prevailing may be levied as *bengar kandayam*, the balance of wet assessment being remitted.

Mr. K. CHENGALARAYA REDDY.—I think that was the order of the Government on the committee's recommendation. The recommendation itself was that under breached tanks, half wet assessment should not be collected but only dry assessment should be levied. But Government said that if it was only for a few years that no wet crops were raised, half the assessment would be collected and if no wet crops were raised for a long period, a maximum dry assessment would be recovered. What I wish to know is whether even in the latter type of cases, the Government are collecting only dry assessment.

Mr. K. V. ANANTARAMAN.—But in the case under reference, in the previous years the tank was under the *inamdar's* management. What can be done now ?

Mr. PRESIDENT.—I think we may as well reserve these matters of general importance for discussion for another occasion.

Entry of Harijans into Muzrai Temples.

Q.—156. **Mr. ISCOOLAPPA** *alias* **MUNISAMAPPA** (Kolar—Rural).—

Will the Government be pleased to state :—

(*a*) whether there is any rule prohibiting the Harijans from entering the temples under the management of the Muzrai Department in the Mysore State ;

(*b*) if so, the reason ?

A.—**The SECRETARY to GOVERNMENT, GENERAL DEPARTMENT (Mr. J. Appaji Gowda).**—

(*a*) and (*b*) Immemorial custom or usage having the force of law.

Mr. M. HANUMANTHAIYA.—Have the Government passed a law to enable Harijans to enter certain institutions into which they had no entry formerly ?

Mr. J. APPAJI GOWDA.—No.

Mr. M. HANUMANTHAIYA.—Have they not thrown open general schools to Harijan pupils ?

M. J. APPAJI GOWDA.—That was by an executive order.

Mr. M. HANUMANTHAIYA.—Similarly, why not Harijans be permitted to enter the temples ?

Mr. J. APPAJI GOWDA.—The question of entry into the temples stands on a different footing altogether. Worship there is conducted according to *Agama sastras* and any interference with it may wound the religious susceptibilities of particular classes of people.

Mr. T. S. RAJAGOPALA IYENGAR.—How many temples are there under the management of the Muzrai Department ?

Mr. J. APPAJI GOWDA.—Several thousands.

Mr. T. S. RAJAGOPALA IYENGAR.—Are not grants from general funds given to them ?

The MINISTER for REVENUE and FINANCE (Rajamantrapravina K. V Anantaraman.)—Yes.

Mr. T. S. RAJAGOPALA IYENGAR.—Do *sastras* definitely prohibit the entry of Harijans into temples ?

Mr. K. V. ANANTARAMAN.—I am not an authority on the subject.

Mr. T. S. RAJAGOPALA IYENGAR.—Is immemorial custom the only reason for prohibiting them to enter the temples?

Mr. K. V. ANANTARAMAN.—According to *Agama sastras* also, they should not enter.

Mr. T. S. RAJAGOPALA IYENGAR.—What is the meaning of 'immemorial custom'?

Mr. K. V. ANANTARAMAN.—The phrase is self-explanatory.

Mr. T. S. RAJAGOPALA IYENGAR.—Did not the Government promise in 1937 that they would appoint a committee to elicit public opinion in the matter of permitting Harijans to enter the temples?

Mr. PRESIDENT.—Notice.

Mr. T. S. RAJAGOPALA IYENGAR.—In future at least, will the question of Harijan entry into temples be sympathetically considered?

Mr. PRESIDENT.—That is not a supplementary question.

Another MEMBER—Did not Government permit Harijans to enter the temples at Sravanabelagola and Belur?

Mr. K. V. ANANTARAMAN.—In respect of Sravanabelagola, the order was withdrawn.

Mr. A. M. KHAN.—Why was it withdrawn?

Mr. K. V. ANANTARAMAN.—Because the Jain community who are the main devotees of the temple was decidedly against the order, it had to be withdrawn.

Mr. T. M. KHAN.—So, if in other similar cases the religious feelings of people are wounded, will Government respect their sentiments and take back the orders passed in respect of them?

Mr. K. V. ANANTARAMAN.—That does not arise out of the main question.

Mr. N. RAMA RAO.—It is said 'immemorial custom or usage having the force of law.' 'Immemorial custom or usage,' I can understand. May I know whether the other part of the answer, namely, 'having the force of law' forms part of any judicial finding on the subject?

Mr. K. V. ANANTARAMAN.—There may be some decisions on the subject.

Mr. N. RAMA RAO.—If it is mere presumption, is it right for the Government to say that custom or usage has the force of law?

Mr. K. V. ANANTARAMAN.—The immemorial custom will be enforced until it is set aside.

Mr. N. RAMA RAO.—So, may I take it that it is the opinion of Government that usage or custom has the force of law?

Mr. K. V. ANANTARAMAN.—Yes.

Mr. K. CHENGALARAYA REDDY.—Was not a cut motion on the subject passed in the Legislative Council at its session in June 1941 and did the Government accept the motion?

Mr. PRESIDENT.—Let us not go into the proceedings of the other House here except for reference to matters of fact, and especially so when the proceedings have not been officially published yet.

Mr. K. CHENGALARAYA REDDY.—There was a token cut motion to reduce the demand by one rupee. It was passed by the House and Government have accordingly reduced the demand by a rupee. Am I to understand thereby that the cut motion was accepted by Government?

Mr. K. V. ANANTARAMAN.—Government reduced the provision by a rupee as the House accepted the cut motion. But Government did not agree to the suggestion contained in the motion.

Mr. K. CHENGALARAYA REDDY.—Does acceptance of a cut by the Government imply acceptance also of the principle underlying the cut motion, or not?

Mr. K. V. ANANTARAMAN.—That is not a supplementary question.

Mr. K. HANUMANTHIAH.—Have the Government power to abolish a custom?

Mr. PRESIDENT.—The member is asking for the opinion of government on the matter.

Mr. K. HANUMANTHIAH.—Are the Government aware that His Highness the Maharaja of Travancore was quite opposed to the custom prevailing in that State?

Mr. PRESIDENT.—I am afraid the member is going off the point.

Mr. K. HANUMANTHIAH – Why not say 'yes' or 'no'?

Mr. PRESIDENT.—Government are not legal advisers.

Mr. K. HANUMANTHIAH.—Have not members of the depressed classes been allowed access to the Palace?

Mr. PRESIDENT.—The Palace is quite different from temples.

Mr. Bhupalam R. CHANDRASEKHARAYYA.—Are the Government aware that the Travancore Government have passed orders setting immemorial custom at naught?

Mr. PRESIDENT.—That is not a supplementary question.

Mr. Bhupalam R. CHANDRASEKHARAYYA.—Have the Government any idea of advising His Highness the Maharaja of Mysore also to do likewise?

Mr. PRESIDENT.—Same answer.

The Assembly adjourned for lunch at 3 p.m. and reassembled at 3.30 p.m.

GOVERNMENT BUSINESS—BILLS—*contd.*

16. The Mysore Cotton Control Bill.

The SECRETARY to GOVERNMENT, GENERAL DEPARTMENT (Mr. J. Appaji Gowda) explained the principles of the bill as follows:—

In the major cotton tracts in India there is legislation controlling the cultivation and transport of inferior cotton so as to safeguard the quality and reputation of the cotton grown in particular tracts. The Cotton Transport Act of 1923 provides for the prohibition of import of cotton or any specified kind of cotton into any 'protected area' notified under the Act. The Madras Cotton Control Act of 1932 and the Bombay Cotton Control Act of 1935, prohibit the cultivation of specified varieties of inferior cotton in 'controlled areas' notified under the Act. Similar legislation has been introduced in some other provinces also.

In Mysore there is no such legislation at present and the cultivation of a very inferior short-staple cotton known as Bokda cotton is being started for adulteration with the medium staple cotton grown in Chitaldrug. It is therefore necessary to introduce legislation to prohibit the cultivation and transport of inferior cotton to controlled areas. In new areas like the Irwin Canal area where very superior cotton is being grown under irrigation, it is necessary to safeguard the purity of the varieties of cotton grown. Hence the necessity to control the construction of ginning and pressing factories by the issue of licenses.

In the proposed Bill all necessary provisions relating to the prohibition of cultivation or transport of specified varieties of cotton and the licensing of ginning factories have been made.

He added that this was not a novel measure, but had been introduced in all the Provinces and States where cotton was being grown extensively. This was particularly necessary now because Government were growing superior cotton over an extent of 3,000 acres in the Irwin Canal area and were likely to extend the area still further.

Mr. SHAIK AHMED SAHIB enquired if the object of the measure was to prevent the import of inferior cotton into the State, and if this was done, whether the superior cotton grown in the State would be sufficient to meet the requirements of the State.

Mr. J. APPAJI GOWDA replied in the affirmative to the former question. As regards the latter, he said that attempts would be made to extend cultivation to the extent necessary for meeting all the local demand.

In view of this assurance, **Mr. SHAIK AHMED SAHIB** whole heartedly supported the measure.

Mr. Bhupalam R. CHANDRASEKHARAYYA pointed out that two things were involved in the bill. The first related to the safeguarding of the purity of the Mysore cotton by preventing the importation of inferior varieties of cotton from outside, as well as by controlling the cultivation of inferior strains of cotton in the State itself. That was indeed a laudable object. But there was another restriction imposed, *viz.*, that for starting ginning factories, licenses should be obtained. Thus, even the ginning factories would be subject to control by Government. On that account, there was room for the people